

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1635
Serial No.: 09/093,972 : Examiner: J. Epps
Filed: June 9, 1998 : Appl. Ref. No.: EPI-00672

For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION &
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH
BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**

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TECH CENTER 1600/2900

COVER LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

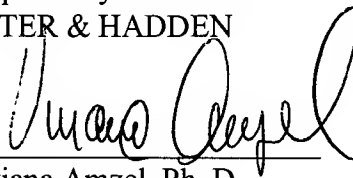
Sir/Madam:

Enclosed for filing are the following:

1. Substitute Application (77 sheets)
2. Amendment (29 sheets)
3. Fee Transmittal Form (1 sheet)
4. Substitute Declaration for Patent Application (2 sheets)
5. Copy of Claim for Priority previously filed 5/4/00 (1 sheet)
6. Change of Address (1 sheet)
7. Request for Corrected Filing Receipt (w/copy of Claim for Priority)
8. Post Card

Respectfully submitted.

ARTER & HADDEN



Viviana Amzel, Ph. D.

Reg. No. 30930

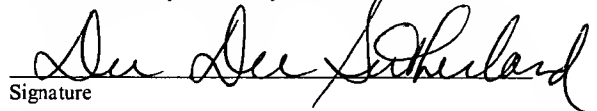
Attorney for Applicant(s)

February 6, 2001

Date

7 Clarke Drive
Cranbury, NJ 08512
609-409-3035 Legal Dpt Ph.
413-254-9245 Legal Dpt Fax
Vamzel@EpiGene.com

I hereby certify that this correspondence is being deposited with the United States Postal Service, Express Mail Post Office to Addressee, Express Mail Label EL836372442US, in an envelope addressed to the Assistant Commissioner for Patents, 1911 S. Clark St., Crystal Mall 1, Receptionist 7th Floor, Arlington, VA 22202, on February 6, 2001, by Dee Dee Sutherland.


Signature

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**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT(\$)**0.00****Complete if Known**

Application Number	09/093,972
Filing Date	June 9, 1998
First Named Inventor	Jonathan W. Nyce
Examiner Name	J. Epps
Group Art Unit	1635
Attorney Docket No.	EPI-00672

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

50-1728

Deposit
Account
Name

EpiGenesis Pharmaceuticals, Inc.

- ☒
- Charge Any Additional Fee Required
-
- Under 37 CFR 1.16 and 1.17

- ☒
- Applicant claims small entity status.
-
- See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:**

☐ Check ☐ Credit card ☐ Money
Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Fee Fee Fee Fee Description
Code (\$) Code (\$)

101 710 201 355 Utility filing fee

106 320 206 160 Design filing fee

107 490 207 245 Plant filing fee

108 710 208 355 Reissue filing fee

114 150 214 75 Provisional filing fee

Fee Paid**SUBTOTAL (1)** (\$)**2. EXTRA CLAIM FEES**

Total Claims	104	-20** =	0	x	Fee from below	9.00	=	0.00
Independent Claims	2	-3** =	0	x	40.00	=	0.00	
Multiple Dependent								

Large Entity Small Entity

Fee Fee Fee Fee Fee Description
Code (\$) Code (\$)

103 18 203 9 Claims in excess of 20

102 80 202 40 Independent claims in excess of 3

104 270 204 135 Multiple dependent claim, if not paid

109 80 209 40 ** Reissue independent claims
over original patent110 18 210 9 ** Reissue claims in excess of 20
and over original patent** Total: 112 prev. paid;
** Indep: 3 prev. paid.**SUBTOTAL (2)**(\$)**0.00**

*for number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Fee Code	Large Entity (\$)	Small Entity (\$)	Fee Description	Fee Paid
105	130	205	65 Surcharge - late filing fee or oath	
127	50	227	25 Surcharge - late provisional filing fee or cover sheet	
139	130	139	130 Non-English specification	
147	2,520	147	2,520 For filing a request for ex parte reexamination	
112	920*	112	920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action	
115	110	215	55 Extension for reply within first month	
116	390	216	195 Extension for reply within second month	
117	890	217	445 Extension for reply within third month	
118	1,390	218	695 Extension for reply within fourth month	
128	1,890	228	945 Extension for reply within fifth month	
119	310	219	155 Notice of Appeal	
120	310	220	155 Filing a brief in support of an appeal	
121	270	221	135 Request for oral hearing	
138	1,510	138	1,510 Petition to institute a public use proceeding	
140	110	240	55 Petition to revive - unavoidable	
141	1,240	241	620 Petition to revive - unintentional	
142	1,240	242	620 Utility issue fee (or reissue)	
143	440	243	220 Design issue fee	
144	600	244	300 Plant issue fee	
122	130	122	130 Petitions to the Commissioner	
123	50	123	50 Processing fee under 37 CFR 1.17(q)	
126	180	126	180 Submission of Information Disclosure Stmt	
581	40	581	40 Recording each patent assignment per property (times number of properties)	
146	710	246	355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355 Request for Continued Examination (RCE)	
169	900	169	900 Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**SUBMITTED BY**

Name (Print/Type)

Viviana Amzel, Ph.D.

Registration No.
(Attorney/Agent)

30,930

Complete (if applicable)

Telephone

(609) 409-3034

Signature

Date

8/6/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jonathan W. Nyce

Serial No.: 09/093,972 : Group Art Unit: 1635
Filed: June 9, 1998 : Examiner: Janet L. Epps
For: Composition, Formulations & Method for Prevention & Treatment of Diseases and
Conditions Associated With Bronchoconstriction, Allergy(ies) & Inflammation

Assistant Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error with respect to the following data, which is:

- ☐ incorrectly entered and/or
☒ Omitted.

Error in

Correct data

- | | |
|---|--|
| a. <input type="checkbox"/> Applicant's name | a. |
| b. <input type="checkbox"/> Applicant's address | b. |
| c. <input type="checkbox"/> Title | c. |
| d. <input type="checkbox"/> Filing Date | d. |
| e. <input type="checkbox"/> Serial Number | e. |
| f. <input type="checkbox"/> Foreign/PCT Application re: | f. |
| g. <input checked="" type="checkbox"/> Correspondence Address | g. Viviana Amzel, Ph.D.
EpiGenesis Pharmaceuticals, Inc.
7 Clarke Drive
Cranbury, NJ 08520 |
| h. <input checked="" type="checkbox"/> Other: Continuing Data | h. This application is a CIP of US Patent Application Serial No. 08/472,527, CPA filed February 27, 1998, now US Patent No. 6,040,296; a CIP of US Patent Application No. 08/757,024, filed November 26, 1996 by Jonathan W. Nyce, now US Patent No. 6,025,339, which is a continuation-in-part of U.S. Patent Application Serial No. 08/472,527, filed June 7, 1997; and a CIP of US Patent Application Nos. 08/474,497 filed June 7, 1995, now US Patent No. 5,994,315, and 09/016,464, filed January 30, 1998, by Jonathan W. Nyce and W. James Metzger, CPA filed June 3, 1998, now pending. |

See attached copy of Claim for
Priority Under 35 USC 120,
previously filed in this application on
5/4/00.

3.

(complete the following applicable item)

A. ☒ The correction(s) is/are not due to any error by applicant and no fee is due.

OR

B. ☐ At least one of the above corrections is due to applicant's error and the fee therefor, under 37 CFR 1.19(h), of \$25.00 is paid as follows:

- ☐ Enclosed is a check for \$25.00.
☐ Charge Account _____ \$25.00.



SIGNATURE OF ATTORNEY

Registration No.: 30,930

Viviana Amzel, Ph.D.

(type or print name of attorney)

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Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1635
Serial No.: 09/093,972 : Examiner: Janet Epps
Filed: June 9, 1998 : Appl. Ref. No.: EPI-072
For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION &
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH
BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**

CLAIM FOR PRIORITY UNDER 35 USC '120

Assistant Secretary for Patents
Washington DC 20231

Sir/Madam:

The applicant hereby claims priority for the above-identified U.S. Patent Application of the filing dates of the following U.S. Patent Applications under 35 USC 120:

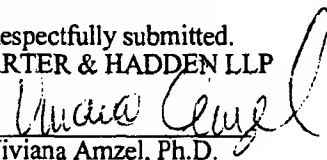
- 1- U.S.S.N. 08/472,527, filed June 7, 1995, CPA filed February 27, 1998, now U.S. Patent No. 6,040,296.
- 2- U.S.S.N. 08/757,024, filed November 26, 1996, by Jonathan W. Nyce, now U.S. Patent No. 6,025,339, which is a continuation-in-part of U.S.S.N. 08/472,527, filed June 7, 1995.
- 3- U.S.S.N. 08/474,497, filed June 7, 1995, by Jonathan W. Nyce and W. James Metzger, now U.S. Patent No. 5,994,315.
- 4- USSN 09/016,464, filed January 30, 1998, which is a divisional of USSN 08/474,497, by Jonathan W. Nyce and W. James Metzger, filed June 3, 1998, now pending.

The text of the above-identified application is being amended to contain this information.

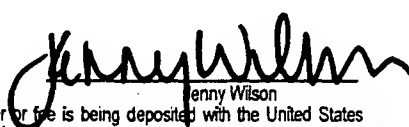
5/4/00
Date

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Respectfully submitted.
ARTER & HADDEN LLP


Viviana Amzel, Ph.D.
Reg. No. 30,930
Attorney for Applicant

5/4/00
Date of Deposit


Jenny Wilson
I hereby certify that this paper or fee is being deposited with the United States Postal Service "First Class Mail" on the date indicated above and is addressed to the Commission of Patents and Trademarks, Washington D.C. 20231.